



GOVERNMENT OF PUERTO RICO  
Governor's Office  
Environmental Quality Board



*Chairman's Office*

January 20<sup>th</sup>, 2012

Ms. Judith A. Enck  
Regional Administrator  
Region 2  
U.S. Environmental Protection Agency  
290 Broadway  
New York, NY 10007-1866

**RE: "AGREMAX" Manufactured Aggregate - Resolutions and Notifications**

Dear Administrator Enck:

I acknowledge receipt of your letter of November 7<sup>th</sup>, 2011, regarding the referenced subject matter. The Puerto Rico Environmental Quality Board (PREQB) recognizes the existing concerns regarding the use of the coal ash based material produced by AES-Puerto Rico (AES), a.k.a. AGREMAX, and its application and use as aggregate. As you recognized in your letter, this is the reason for which our Governing Board, in consultation with the U.S. Environmental Protection Agency (EPA), issued two Resolutions (R-96-39-1 and R-00-14-2) addressing most of the concerns raised regarding this material. Certainly, we have been working on the remaining issues that recently arose, and I believe that working in team with EPA will help address the concerns raised by the communities and others.

On December 2010, PREQB met with environmental community leaders and scientific consultants to discuss these issues. In response to these meetings, the PREQB requested AES to provide us recent results of the radioactive potential of AES raw material, in-process material, and AGREMAX. The results of these analyses were received by PREQB in March, 2010.

We are aware that the management of coal combustion residuals (CCR) is a very important issue for the EPA. We have closely followed the proposed rule for CCR by EPA, and the legislation developments related to CCR's. In addition, at this time PREQB developed draft guidance documents for the beneficial use of the CCR's, and we expect to share with EPA a final draft once it is completed. We continue to study how these materials are being used and regulated by other jurisdictions, and certainly the inspections EPA Region 2 is conducting will provide valuable information to incorporate into the guidance or if deemed necessary other regulatory documentation. As such, we formally request to participate in the ongoing investigation, and to share the results with PREQB. All these efforts done by PREQB respond to the interest we have

to address the community concerns and to give this matter the attention it deserves. Surely, the results of these investigations will help us in the development of better guidance for the beneficial use of CCP.

As always, we continue to be available to work with you in this and other initiatives that result in the protection of the health and the environment of Puerto Rico.

Sincerely,



Pedro J. Nieves Miranda, Esq.  
Chairman

REGION 2  
CORRESPONDENCE  
CONTROL OFFICE

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